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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TAYLOR SMART and MICHAEL  
HACKER, individually and on  
behalf of all those similarly  
situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION

Defendant.

Case No. 2:22-cv-02125-WBS-CSK

**DEFENDANT NCAA'S NOTICE OF  
REQUEST TO SEAL DOCUMENTS AND  
NOTICE OF LODGING OF DOCUMENTS**

Judge: Hon. William B. Shubb  
Courtroom: 5  
Date: March 3, 2025  
Time: 1:30 p.m.

SHANNON RAY, KHALA TAYLOR,  
PETER ROBINSON, KATHERINE  
SEBBANE, and RUDY BARAJAS,  
individually and on behalf of  
all those similarly situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION, an unincorporated  
association,

Defendants.

Case No. 1:23-cv-00425-WBS-CSK

1 **I. NOTICE OF REQUEST TO SEAL DOCUMENTS**

2 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD AND TO THE UNITED  
3 STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA:

4 Pursuant to Local Rule 141, please take notice that on  
5 December 20, 2024, Defendant NCAA will lodge copies of the  
6 following documents with United States District Judge William B.  
7 Shubb via the Box application and on all Plaintiffs via electronic  
8 mail:

- 9 1. Defendant's Opposition to Plaintiffs' Motions for Class  
10 Certification (Sealed Version);
- 11 2. Declaration of Mario Morris in Support of Defendant's  
12 Opposition to Plaintiffs' Motions for Class Certification  
13 (Sealed Version);
- 14 3. Declaration of Megan McCreadie in Support of Defendant's  
15 Opposition to Plaintiffs' Motions for Class Certification  
16 ("McCreadie Opposition Brief Declaration") (Sealed  
17 Version);
- 18 4. Exhibit 1 to McCreadie Opposition Brief Declaration  
19 (Expert Report of Jee-Yeon K. Lehmann) (Sealed Version);
- 20 5. Exhibit 2 to McCreadie Opposition Brief Declaration  
21 (Excerpts from the Transcript of the December 9, 2024  
22 Deposition of Daniel Rascher) (Sealed Version);
- 23 6. Exhibit 6 to McCreadie Opposition Brief Declaration  
24 (Excerpts from the Transcript of the December 5, 2024  
25 Deposition of Orley Ashenfelter) (Sealed Version);
- 26 7. Exhibit 7 to McCreadie Opposition Brief Declaration  
27 (COLON\_SCHLS\_00016398; Exhibit 74 to the December 5, 2024  
28 Deposition of Dr. Orley; Subpoena response containing

1 personnel files produced by Colon Plaintiffs from the  
2 third-party production of South Dakota State University)  
3 (Sealed Version);

4 8. Exhibit 9 to McCreadie Opposition Brief Declaration  
5 (Excerpts from the Transcript of the October 17, 2024  
6 Deposition of Peter Robinson) (Sealed Version);

7 9. Exhibit 12 to McCreadie Opposition Brief Declaration  
8 (Excerpts from the Transcript of the October 15, 2024  
9 Deposition of Shannon Ray) (Sealed Version);

10 10. Exhibit 15 to McCreadie Opposition Brief Declaration  
11 (Excerpts from the Transcript of the October 28, 2024  
12 Deposition of Katherine Sebbane) (Sealed Version);

13 11. Exhibit 16 to McCreadie Opposition Brief Declaration  
14 (*Smart* Plaintiffs' Amended Objections and Answers to the  
15 NCAA's Second Set of Interrogatories (dated September 17,  
16 2024)) (Sealed Version);

17 12. Exhibit 19 to McCreadie Opposition Brief Declaration  
18 (COLON\_CONFERENCE\_0000208854 Email chain produced by Colon  
19 Plaintiffs from the third-party production of the Missouri  
20 Valley Conference)

21 13. Exhibit 23 to McCreadie Opposition Brief Declaration  
22 (COLON\_SCHLS\_0000013529 Subpoena response with data on  
23 coaches produced by Colon Plaintiffs from the third-party  
24 production of the University of Wyoming) (Sealed Version);

25 14. Exhibit 24 to McCreadie Opposition Brief Declaration  
26 (COLON\_SCHLS\_0000001726 Subpoena response with data on  
27 coaches produced by Colon Plaintiffs from the third-party  
28

1 production of the University of Nevada, Las Vegas) (Sealed  
2 Version);

3 15. Exhibit 25 to McCreadie Opposition Brief Declaration  
4 COLON\_SCHLS\_0000001818 (Subpoena response with data on  
5 coaches produced by Colon Plaintiffs from the third-party  
6 production of Louisiana State University) (Sealed  
7 Version);

8 16. Defendant NCAA's Motion To Exclude Expert Testimony Of  
9 Dr. Orley Ashenfelter And Dr. Daniel Rascher On Class  
10 Certification (Sealed Version);

11 17. Exhibit 2 to Declaration of Megan McCreadie in Support  
12 of Defendant NCAA's Motion To Exclude Expert Testimony Of  
13 Dr. Orley Ashenfelter And Dr. Daniel Rascher On Class  
14 Certification ("McCreadie Daubert Declaration") (Excerpts  
15 from the Transcript of the December 5, 2024 Deposition of  
16 Orley Ashenfelter) (Sealed Version);

17 18. Exhibit 3 to McCreadie Daubert Declaration (Excerpts  
18 from the Transcript of the December 9, 2024 Deposition of  
19 Daniel Rascher) (Sealed Version);

20 19. Exhibit 4 to McCreadie Daubert Declaration (Expert  
21 Report of Jee-Yeon K. Lehmann) (Sealed Version);

22 20. Exhibit A to the Declaration Clayton Hamilton in Support  
23 of Defendant's Opposition to Plaintiffs' Motions for Class  
24 Certification ("Hamilton Declaration") ((NCAA\_ SC\_  
25 SUBPOENA\_0000033 Subpoena response with data on camp  
26 compensation produced by Defendant from the third-party  
27 production of the University of Arkansas) (Sealed  
28 Version);

1           21. Exhibit B to Hamilton Declaration

2           (COLON\_SCHLS\_0000000697 Subpoena response with data on  
3           coaches produced by *Colon* Plaintiffs from the third-party  
4           production of the University of Arkansas) (Sealed  
5           Version);

6           22. Exhibit A to the Declaration Ryan Varley in Support of  
7           Defendant's Opposition to Plaintiffs' Motions for Class  
8           Certification ("Varley Declaration")

9           (COLON\_SCHLS\_0000004635 Subpoena response with data on  
10          coaches produced by *Colon* Plaintiffs from the third-party  
11          production of the University of Pittsburgh) (Sealed  
12          Version);

13          23. Exhibit B to Varley Declaration (SMART\_SCHLS\_0000003561  
14          Subpoena response with data on coaches produced by *Smart*  
15          Plaintiffs from the third-party production of the  
16          University of Pittsburgh) (Sealed Version);

17          24. Exhibit C to Varley Declaration (COLON\_SCHLS\_0000016799  
18          Subpoena response with data on coaches produced by *Colon*  
19          Plaintiffs from the third-party production of the  
20          University of Pittsburgh) (Sealed Version);

21          25. Exhibit A to the Declaration Christina Wombacher in  
22          Support of Defendant's Opposition to Plaintiffs' Motions  
23          for Class Certification ("Wombacher Declaration")  
24          (COLON\_SCHLS\_0000011616 Subpoena response with data on  
25          coaches produced by *Colon* Plaintiffs from the third-party  
26          production of Arizona State University) (Sealed Version);

27          26. Exhibit B to Wombacher Declaration

28          (COLON\_SCHLS\_0000011405 Subpoena response with data on

1 coaches produced by *Colon* Plaintiffs from the third-party  
2 production of Arizona State University) (Sealed Version);  
3 27. Exhibit C to Wombacher Declaration  
4 (SMART\_SCHLS\_0000001876 Subpoena response with data on  
5 coaches produced by *Smart* Plaintiffs from the third-party  
6 production of Arizona State University) (Sealed Version);  
7 28. Defendant NCAA's Request to Seal Documents  
8 29. [Proposed] Order re Defendant NCAA's Request to Seal  
9 Documents

10  
11 This Notice and the Request to Seal relate to four categories  
12 of documents or information that Defendant cites or otherwise  
13 includes in its Opposition to Plaintiffs' Motions for Class  
14 Certification; accompanying declarations or exhibits thereto; the  
15 Expert Report of Jee-Yeon K. Lehmann; the NCAA's Motion to Exclude  
16 Expert Testimony of Dr. Orley Ashenfelter and Dr. Daniel Rascher  
17 on Class Certification ("Defendant's *Daubert* Motion"); and/or  
18 accompanying declarations or exhibits thereto:

19 (1) Documents containing confidential member financial  
20 information produced by the NCAA that the NCAA has designated  
21 as Attorneys' Eyes Only pursuant to the Protective Order.  
22 The documents in this category are the documents numbered 1,  
23 2, 4, and 19 from the above list of lodged documents. The  
24 NCAA requests that this category of documents and information  
25 be sealed.

26 (2) Documents produced by third parties that have been  
27 designated as Confidential because they contain coach salary  
28 information and other personally identifying information.

1 The documents in this category are the documents numbered 1,  
2 3, 4, 7, 12-16, and 19-27 from the above list of lodged  
3 documents. The NCAA requests that this category of documents  
4 and information be sealed.

5 (3) Excerpts of or documents quoting the transcripts of the  
6 depositions of Plaintiffs and Plaintiffs' discovery responses  
7 that have been designated as Confidential by Plaintiffs. The  
8 documents in this category are the documents numbered 1 and  
9 8-11 from the above list of lodged documents. The NCAA takes  
10 no position on whether these excerpts should be sealed.

11 (4) Excerpts of or documents quoting the transcripts of the  
12 depositions of Plaintiffs' experts, Dr. Orley Ashenfelter and  
13 Dr. Daniel Rascher. These depositions happened recently, and  
14 the NCAA is provisionally lodging the transcripts under seal  
15 to give Plaintiffs time to make any confidentiality  
16 designations. The documents in this category are the  
17 documents numbered 1, 4-6, 16, and 17-19 from the above list  
18 of lodged documents. The NCAA takes no position on whether  
19 these excerpts should be sealed.

20  
21 **II. NOTICE OF LODGING OF DEPOSITION TRANSCRIPTS**

22 Consistent with Local Rule 133(j), Defendant is also lodging  
23 complete copies of the following transcripts with the Court via  
24 the Box application:

- 25 • Transcript of the December 5, 2024 Deposition of Orley  
26 Ashenfelter
- 27 • Transcript of the October 25, 2024 Deposition of Rudy  
28 Barajas

- Transcript of the August 27, 2024 Deposition of Matt Boyer
- Transcript of the December 16, 2024 Deposition of Jeremiah Carter
- Transcript of the October 2, 2024 Deposition of Jennifer Fraser
- Transcript of the October 8, 2024 Deposition of Michael Hacker
- Transcript of the December 9, 2024 Deposition of Daniel Rascher
- Transcript of the October 15, 2024 Deposition of Shannon Ray
- Transcript of the October 17, 2024 Deposition of Peter Robinson
- Transcript of the October 28, 2024 Deposition of Katherine Sebbane
- Transcript of the September 24, 2024 Deposition of Taylor Smart
- Transcript of the October 23, 2024 Deposition of Khala Taylor
- Transcript of the October 10, 2024 Deposition of Lynda Tealer

DATED: December 20, 2024

Respectfully submitted,

By: /s/ Carolyn Hoecker Luedtke  
Carolyn Hoecker Luedtke

*Attorneys for Defendant National  
Collegiate Athletic Association*